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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING NOTICE:	BOARD OF DENTISTRY & DENTAL HYGIENE
DATE AND TIME:	Thursday, November 4, 2011 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
APPROVED:	December 15, 2011

MEMBERS PRESENT

Blair Jones, DMD, Professional Member, President
John Lenz, DDS, Professional Member, Secretary
Neil McAneny, DDS, Professional Member
Thomas Cox, DDS, Professional Member
Robert Director, DDS, Professional Member
Joan Madden, RDH, Professional Hygiene Member
Nathaniel Gibbs, Public Member
Buffy Parker, RDH, Hygiene Advisory Member
Bernadette Evans, Public Member (entered at 9:14 a.m.)
Bonnie Thomas, RDH, Hygiene Advisory Member (entered at 10:21 a.m.)

MEMBERS ABSENT

Cheryl Calicott-Trawick, Public Member
Debra Bruhl, RDH, Hygiene Advisory Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Allison Reardon, Deputy Attorney General
Michele Howard, Administrative Specialist II

PUBLIC PRESENT

None

CALL TO ORDER

Dr. Jones called the meeting to order at 9:10 a.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the September 15, 2011 Board meeting. Dr. McAneny made a motion, seconded by Dr. Director, to approve the minutes as presented. The motion passed unanimously.

Dr. Jones welcomed new Hygiene Advisory member, Buffy Parker. Ms. Parker introduced herself. Dr. Jones reported that Dr. Lenz had been reappointed to the Board through October 18, 2014.

DISCIPLINARY HEARING, DR. BRUCE FAY, COMPLAINT 09-03-10

Dr. Jones advised that the disciplinary hearing scheduled for Dr. Bruce Fay was continued at the joint request of the Respondent and the State.

UNFINISHED BUSINESS

Sign Board Order, Dr. Peter Subach – Ms. Reardon

The Board tabled this item until the December meeting, per Ms. Reardon's request.

Joint Sunset Committee Review

Proposal to Change the Qualifications to Take Clinical Exams – Review Draft from Ms. Reardon

Ms. Reardon summarized the draft of the bill, and advised that upon the Board's approval, the bill is ready to be presented to the Division. Dr. Director made a motion, seconded by Dr. McAneny, to approve the draft language as presented and forward to the Division. The motion passed unanimously.

Review September 2011 JSC Progress Report

There was no comment on the JSC Progress Report. Ms. Reardon advised that periodic reports must continue to be submitted to the Joint Sunset Committee as long as the Board remains under review. Ms. Reardon added that the Joint Sunset Committee wants to know the Board's progress in resolving pending matters.

Review of Proposed Legislation Regarding Chaperoning Children (HB 456) – Ms. Reardon

Ms. Reardon stated that she sent a copy of the draft language to Fay Rust per her request at the last meeting, but had not received a response. Ms. Howard read aloud an email from Ms. Rust regarding her approval of the draft language. Ms. Reardon summarized the proposed language for the Board. Dr. Director made a motion, seconded by Dr. Lenz, to approve the draft as presented. The motion passed unanimously.

Ms. Reardon stated that the Board had approved two pieces of draft legislation, and that, typically, a memo should be submitted with the proposals. Ms. Reardon offered to draft the memo. Dr. Director made a motion, seconded by Dr. McAneny, to delegate authority to Ms. Reardon and Dr. Jones to draft and approve the memo and forward it with the proposed legislation to Director Collins before the next Board meeting. The motion passed unanimously.

Final Denial of Application

Jeffrey M. Wilson, Dentist Limited

Ms. Howard summarized the Board's proposal to deny licensure to Jeffrey M. Wilson, and advised that Mr. Wilson had not requested a hearing. Dr. McAneny made a motion, seconded by Dr. Lenz, to make a final denial of Jeffrey M. Wilson's application for limited licensure. The motion passed unanimously.

Review Draft of Amended Rules and Regulations Governing Anesthesia – Ms. Reardon

Ms. Reardon summarized a proposed draft regarding anesthesia regulations. Ms. Howard read aloud an email from Dr. Giordano regarding the proposed changes. Dr. Director made a motion, seconded by Dr. Lenz, to incorporate Dr. Giordano's recommendations and approve the language presented by Ms. Reardon. The motion passed unanimously. Ms. Reardon advised that a public hearing is required before the proposed revisions may be finalized. The public hearing will be scheduled at 3:15 p.m. at the Board's January 2012 meeting. Currently, the January Board meeting is scheduled for January 19th. Ms. Howard will contact the Public Service Commission to see if the PSC Hearing Room would be available so that the meeting may be moved to January 12th.

Recommendations for New Appointments to the Anesthesia Advisory Committee (AAC)

Per Dr. McAneny's request, the Board tabled this topic until the December 2011 meeting.

NEW BUSINESS

Ratification of Licenses/Permits Issued by DPR Since August Board Meeting:

Dentist License

Erin Nicole Macko

Maria Cristina Cordero

Dr. McAneny made a motion, seconded by Dr. Cox, to ratify the licensure of Erin Nicole Macko and Maria Cristina Cordero. The motion passed unanimously.

Dental Hygienist Licensure - None

Dentist Limited Resident - None

Restricted Permit I - None

Restricted Permit II

Laurie B. Jacobs

Dr. McAneny made a motion, seconded by Ms. Madden, to approve the Restricted Permit II application of Laurie B. Jacobs. The motion passed unanimously.

Unrestricted Permit - None

Review of Applications for Licensure

Joseph A. Napoli, Dental Licensure for Nemours / A.I. DuPont Program Director

The licensure application of Dr. Joseph A. Napoli was reviewed by Drs. McAneny, Director, and Cox. Dr. Director made a motion, seconded by Dr. McAneny, to approve the application per section 1132(a) of the Board's statute. The motion passed unanimously.

Benjamin Gilbert, III, Dental Licensure (PA discipline & W2s)

The licensure application was reviewed by Drs. Jones and Lenz. Ms. Reardon reported that Dr. Gilbert had been disciplined in Pennsylvania for practicing with a lapsed license. Ms. Reardon advised that the Board's statute no longer requires a hearing; that the decision for a hearing is left up to the Board. After discussion regarding Dr. Gilbert's proof of three years practice in Pennsylvania, Dr. Director made a motion, seconded by Ms. Madden, to request additional clarification of Dr. Gilbert's employment history as it relates to meeting the practice requirement. Dr. Lenz will further review the application and draft a letter to Dr. Gilbert. Dr. Lenz will submit the draft letter to Ms. Howard for mailing. The motion passed unanimously.

Dr. Glen Goleburn, Unrestricted Permit (Millsboro Office)

The anesthesia application was reviewed by Dr. Jones, Dr. Lenz and Ms. Reardon. Ms. Reardon noted a copy of a letter to the Board President (Dr. Dave Williams) from Dr. Giordano of the Anesthesia Advisory Committee regarding his recommendation of a previous anesthesia permit for Dr. Goleburn. Ms. Reardon advised that Dr. Giordano's position may change based on the Board's proposed revisions to its anesthesia regulations. Dr. Jones made a motion, seconded by Dr. Director, to send the application to the Anesthesia Advisory Committee with a notice that the regulations are changing. The Board would like to get the Committee's position on whether to move forward with an inspection or to wait until the anesthesia regulations have been finalized. The motion passed unanimously.

Discussion of Spring 2012 Exam Dates and Location

Dr. Jones reported that the DelTech dental lab will be undergoing renovations in June and July, 2011. After discussion, Dr. Lenz made a motion, seconded by Dr. Director, to schedule the Spring 2012 exams for Wednesday 5/23, Thursday 5/24, and Friday 5/25. The motion passed unanimously. Ms. Howard will contact Vivian Rizzo at DelTech to confirm the availability of the dental lab.

Discussion of Patient Exams – Dr. Director

Dr. Director questioned if a patient makes an appointment for a dental exam, and is seen only by a hygienist (not a dentist), is the dentist guilty of negligence. Dr. Director proposed that a new rule be added to Section 5.0 of the Board's Rules and Regulations requiring that a patient be seen by a dentist at least once every 12 months. After discussion, the Board agreed that Dr. Director will research other states' regulations regarding patient exams and report back to the Board at its December meeting.

Discussion of Dental Assistants and Fluoride Treatments

Dr. Jones stated that he had been contacted regarding a state job posting for a dental assistant, and that the posting indicated that the dental assistant would be applying fluoride treatments on patients. At Dr. Jones' request, Ms. Howard contacted the State's Human Resource Department and had the statement regarding fluoride treatments removed from the job posting. Ms. Reardon cited Sections 1101(1) and (2) of the Board's licensing law. Dr. McAneny and Ms. Reardon interpret the law as prohibiting dental assistants from applying any chemicals, including fluoride.

COMPLAINT STATUS None

CORRESPONDENCE None

OTHER BUSINESS BEFORE THE BOARD (for discussion only) None

PUBLIC COMMENT None

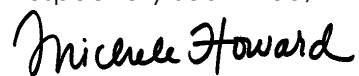
NEXT MEETING

The next Board meeting will be Thursday, December 15, 2011, at **3:00 p.m.** in the **first floor PSC Hearing Room** of the Cannon Building.

ADJOURNMENT

Ms. Thomas apologized for being late, and stated that she thought the meeting started at 10:00 a.m., rather than 9:00 a.m. Dr. McAneny made a motion, seconded by Ms. Madden, to adjourn the meeting at 10:31 a.m. The motion to adjourn passed unanimously.

Respectfully Submitted,



Michele Howard
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.